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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,908

07/05/2005

Harald Koellner

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INDIANAPOLIS OFFICE 27879  
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EXAMINER

KELLER, MICHAEL J

ART UNIT

PAPER NUMBER

4136

NOTIFICATION DATE

DELIVERY MODE

03/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/519,908	<b>Applicant(s)</b> KOELLNER ET AL.	
	<b>Examiner</b> Michael J. Keller	<b>Art Unit</b> 4136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/02/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP03/06996, filed on 07/01/2003.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The limitation "the deflection roller" is recited in claim 23 lines 3-5, claim 24 line 2 and claim 25 lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Klitzsch et al. (DE 4240030).** Klitzsch et al. discloses **[claim 23]** a method for manufacturing a deflection roller installation (see abstract) comprising the steps of: providing a window-lifting rail (10), forming an outward formation (16) to receive the deflection roller (18) using a deep-drawing method, placing the deflection roller onto the outward formation, and widening the outward formation to engage behind the deflection roller (see Fig. 9 and 10) for axially fixing the deflection roller to the window-lifting rail; **[claim 24]** wherein the widening of the outward formation is effected by flanging (Fig. 9); **[claim 25]** wherein the widening of the outward formation is effected by placing on a fastening element (Fig. 10).

8. **Claims 14 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Samways et al. (U.S. Patent 6,571,515).** Samways et al. discloses **[claim 14]** a deflection roller installation for fastening a deflection roller for a cable of a

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drive mechanism of a motor vehicle windowpane, comprising a window-lifting rail (6, Fig. 5) for guiding the windowpane, the rail having an outward formation (15) for receiving the deflection roller (71), and a module support (1) coupled to the window-lifting rail and coupled to a portion of a vehicle door (2), the module support including a peg (16) engaging the outward formation; **[claim 16]** wherein a region of the outward formation receiving the deflection roller consists essentially of a circularly cylindrical formation; **[claim 17]** wherein an end-face of the outward formation distant from the window-lifting rail comprises an opening (see Fig. 5); **[claim 18]** wherein the end-face of the outward formation distant from the window-lifting rail comprises a widening for engaging behind and axially fixing the deflection roller (see Fig. 5); **[claim 19]** further comprising a fastening element (15) axially fixing the outward formation on the peg.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Klitzsch et al. (DE 4240030).**

Samways et al. discloses a deflection roller installation according to claim 14 as set forth above, but does not disclose wherein the outward formation comprises a push-through of the window-lifting rail. Klitzsch et al. discloses a deflection roller installation

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for fastening a deflection roller (18) for a cable of a drive mechanism of a motor vehicle windowpane, comprising a window-lifting rail (10) for guiding the windowpane, the rail having an outward formation (16) for receiving the deflection roller; wherein the outward formation comprises a push-through of the window-lifting rail (see abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to form the outward formation of Samways et al. as a push-through of the window-lifting rail as in Klitzsch et al. in order to avoid the machining processes which would be required to manufacture the outward formation of Saways et al.

11. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515).** While Samways et al. does not specifically disclose the thickness of the metal used to produce the window-lifting rail, it would have been obvious to one of ordinary skill in the art at the time of the invention, to manufacture the window-lifting rail from 0.9-1.5 mm thick sheet metal since the thickness would have been a design choice, and the window-lifting rail in Samways et al. would have functioned equally as well at such a thickness.

12. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Smith (U.S. Patent 5,970,658).** Smith discloses a window regulator mechanism wherein the guide rail is formed of steel or aluminum (Col. 3 Lines 39-41). It would have been obvious to one of ordinary skill in the art at the time of the invention, to form the window-lifting rail of Samways et al. of steel or aluminum as disclosed in Smith, in order to provide sufficient strength to the rail.

13. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samways et al. (U.S. Patent 6,571,515) in view of Smith (U.S. Patent 5,970,658) as applied to claim 21 above, and further in view of Favrel et al. (U.S. Patent 4,573,286).** Samways et al. fails to disclose the deflection roller being formed of POM. Favrel et al. discloses a closure on a vehicle utilizing rollers which are manufactured of POM (Col. 4 Lines 46-48; DELRIN® is a trademark under which POM is sold). It would have been obvious to one of ordinary skill in the art at the time of the invention, to form the roller of Samways et al. of POM as disclosed in Favrel et al., in order to reduce the weight of the rollers.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents to Arquevaux et al. and Hornivius disclose rollers mounted in a similar fashion to that of applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Thursday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J. K./  
Examiner, Art Unit 4136  
/Jerry Redman/  
Primary Examiner, Art Unit 3634